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Anguilla

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2016. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Christina Scott (2013).

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km². The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km².

Population: 15,700 (2013 estimate).

Life expectancy at birth: 81.3 years (male: 78.7 years, female: 84.0 years (2015 estimate)).

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley.

Head of territorial Government: Chief Minister Victor Banks (April 2015).

Elections: Most recent: 22 April 2015; next: by 22 April 2020.

Main political parties: Anguilla United Front; Anguilla United Movement.

Legislature: House of Assembly.

Gross domestic product per capita: US$ 18,589 (2014 estimate).

Economy: Tourism, financial services and remittances.

Main trading partners: United States of America and States members of the Caribbean Community.

Unemployment rate: 8 per cent (2012 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar at about EC$ 2.70.

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as with various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of the Governor, the Executive Council and the House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police and prison services), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chair of the Council, without voting rights. The House of Assembly is elected for a five-year term and comprises the Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate. In accordance with the Constitution, the Governor appoints as Chief Minister one of the elected members of the Assembly who, in the judgement of the Governor, is likely to command the support of a majority of the elected members of the Assembly. Other ministers are also appointed by the Governor, in accordance with the advice of the Chief Minister, from among the elected members of the Assembly.

3. The general elections held in Anguilla on 22 April 2015 resulted in a change of government from the Anguilla United Movement to the Anguilla United Front. The current Chief Minister, Victor Banks, took office on 23 April 2015.

4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, a regional court based in Saint Lucia for the members of the Organization of Eastern Caribbean States, which consists of two divisions, an itinerant court of appeal and a high court of justice.

5. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

6. Discussions with the United Kingdom on a new draft constitution had been expected to begin in 2010. In 2011, Anguilla set up a team headed by H. Clifton Niles to draft a new constitution. As previously reported, a draft text was presented to the Government in February 2012, containing changes in governance that could become features of an independent constitution. According to the administering Power, in September 2015, the territorial Government established a new Constitutional and Electoral Reform Committee to advance constitutional and electoral reform. According to media reports, the first draft of the update by the Committee on the constitutional process was submitted to the Ministry of Home

Affairs, which would be considered by the Executive Council, while work was continuing on the draft constitution.

7. According to the administering Power, in line with its white paper entitled *The Overseas Territories: Security, Success and Sustainability*, published in 2012, the Governor has made clear that any decision to sever the constitutional link between the United Kingdom and Anguilla should be on the basis of the clear and constitutionally expressed wish of the people of Anguilla. If the desire for independence was clearly expressed, the Government of the United Kingdom would meet its obligations to help the Territory to achieve it.

8. Following the elections in April 2015, according to media reports, then Chief Minister-elect Banks stated that stimulating the Anguillan economy was a key priority and that the political independence of Anguilla was not an immediate priority for his administration, in contrast to the position of the previous administration under the Anguilla United Movement. In addition, in October 2015, the public had reportedly reacted to the proposal by the administering Power contained in the draft Anguilla Public Finance Order 2015 to appoint a Chief Financial Officer by calling for a debate on independence from the United Kingdom.

II. Budget

9. The Governments of the United Kingdom and Anguilla have agreed upon a framework for fiscal responsibility and development, which was passed into Anguillan law in November 2013. It set out the commitment of the Government of Anguilla to a balanced budget, borrowing guidelines and a medium-term fiscal plan for the management of public finances over the coming five years.

10. In December 2015, the Chief Minister and Minister of Finance presented a budget of EC$ 225.3 million in the House of Assembly for the operation of the Government in 2016. With regard to the fiscal year 2015, the recurrent revenue was estimated at EC$ 195.22 million, representing a 5.4 per cent increase over 2014, and the recurrent expenditure at EC$ 185.54 million, which brought the recurrent balance to EC$ 9.68 million. According to the administering Power, the Government of the United Kingdom continued to provide a grant to advance key projects in the Territory. In 2015, capital grants totalling EC$ 3.7 million were provided in support of the implementation of the redevelopment of one primary school and other education projects.

11. According to the administering Power, there is no income, estate, capital gains, corporation, value added or goods and services tax in Anguilla. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves. In 2016, the territorial Government is expected to implement new tax measures that include the implementation of electricity and petroleum taxes and an increase in land registry, driver's license and vehicle license fees.

III. Economic conditions

A. General

12. According to the October 2015 preliminary statistics from the Eastern Caribbean Central Bank provided by the administering Power, gross domestic product (GDP) in 2014 was US$ 311.77 million, with the growth rate of 9.5 per cent. Furthermore, GDP in 2015 is estimated to be US$ 321.73 million, with the growth rate of 3.19 per cent.

13. The main industries in Anguilla are tourism, real estate, offshore incorporation and management and banking. Tourism is the main source of economic growth. The economy continues to be affected by the global economy, international oil prices and weather conditions.

B. Tourism

14. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan, while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

15. Official data by the territorial Government indicate that Anguilla had 176,780 visitor arrivals in 2014 (of which approximately 40 per cent, 70,927, were stay-over visitors), a 16.8 per cent increase from 151,303 visitor arrivals in 2013. Furthermore, during the first nine months of 2015, visitor arrivals numbered 146,348, of which 56,114 were stay-over visitors.

C. Financial services

16. International financial services account for some 20 per cent of GDP of Anguilla. The Anguilla Financial Services Commission was established in 2004 as an independent regulatory body reporting to the Governor. At the same time, the administration of the Territory's responsibilities with respect to the Foreign Account Tax Compliance Act rests with the Ministry of Finance. In October 2014, Anguilla joined the early adopters initiative to commit itself to the early adoption of the Common Reporting Standard, which was the new standard in the automatic exchange of information between tax authorities developed by the Organization for Economic Cooperation and Development.

17. Since August 2013, two commercial banks in Anguilla, the National Bank of Anguilla and the Caribbean Commercial Bank have been under the conservatorship of the Eastern Caribbean Central Bank, with the aim of improving the management of each bank. The banks, licensed by the Minister of Finance and regulated by the Eastern Caribbean Central Bank, account for three quarters of the assets of the Territory's entire banking system.

18. Furthermore, according to information provided by the administering Power, in an effort to have key conventions on international standards in the financial sector extended to its overseas territories, in 2015, the International Convention for

the Suppression of the Financing of Terrorism and the United Nations Convention against Transnational Organized Crime was extended to Anguilla.

D. Agriculture and fisheries

19. While agricultural activity in Anguilla is limited, the territorial Government, in its 2016 budget address, expressed its intention to promote and increase the production of vegetables, fruits and livestock on the islands and to create a regulated environment for the use of hazardous agriculture chemicals.

20. Furthermore, according to the administering Power, the total fish catch in 2014 was estimated at 9,261 tons, valued at some EC$ 268.7 million. Fishing is significant to the livelihoods of many Anguillans, directly employing approximately 300 people, with many more fishing on a subsistence basis. As previously reported, Anguilla is using less than one quarter of its exclusive fishing zone to the north of the island.

21. Since 2013, the administering Power has been discussing the possibility of assisting the territorial Government in investigating whether commercial fisheries might be established in the Territory. The territorial Government submitted a proposal to conduct studies in the exclusive fishing zone to determine the stock and species abundance and also committed to secure sufficient budget for the project in 2015. According to the administering Power, it awaits the completion of the Anguilla fisheries development plan, which is expected to be completed by January 2016, to make a decision on financial assistance to the fishing industry.

E. Infrastructure

22. According to information provided by the administering Power, Anguilla has approximately 110 km of public roads, 80 per cent of which are paved. In addition, the Anguilla road network comprises approximately 140 km of paved roads and 120 km of gravel roads. Infrastructure development continues to be low as a result of the recent economic downturn.

23. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airport and seaports on a commercial basis. Clayton J. Lloyd International Airport, situated on the outskirts of The Valley, is the only airport on the island and serves both commercial and private aircraft, including a fixed-base operator facility. There are flights to and from the international airports of Antigua, Sint Maarten/Saint Martin and Puerto Rico. In addition, the ferry and charter boat service between Anguilla and Sint Maarten/Saint Martin is the main international transportation link between Anguilla and the major international gateways.

F. Transportation and communications

24. Taxis are the only form of public transport in Anguilla; however, car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin,

and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

IV. Social conditions

A. General

25. The social security scheme of the Territory is overseen by the Anguilla Social Security Board. The Department of Social Development offers basic social services to the public. According to information provided by the administering Power, during the period from 1 January to 30 November 2015, 121 persons received public assistance in the form of cash transfers totalling EC$ 709,700, lower than the previous year in terms of the number of recipients and the amount. During the same period in 2015, 309 persons benefited from medical assistance valued at approximately EC$ 2.2 million. Contributions to needy families in the form of food vouchers totalled EC$ 41,897.85. According to the administering Power, the use of those social services demonstrates that, while no segment of the Territory's population is considered indigent, the vulnerable population, in particular children, depends heavily on the Government to meet its basic needs.

26. According to the administering Power, the Ministry of Social Development continues to sensitize stakeholders to the importance of adhering to the Inter-Agency Child Protection Protocol, which was developed in collaboration with the United Nations Children's Fund (UNICEF), to ensure that all agencies responsible for safeguarding children work collectively to respond to child abuse and neglect. In addition, according to the administering Power, in 2015, outreach to stakeholders and the general public continued under the campaign entitled "Follow-up to the Break the Silence", funded by UNICEF and the Department for International Development of the Government of the United Kingdom, which offers support to execute programmes that focus on anti-bullying, sexual abuse, domestic violence, corporal punishment and child-friendly schools.

27. In terms of the legislative framework relating to social issues, in 2015, the Social Protection Act 2015 and the Domestic Violence Act 2015 were passed and a draft child protection bill is expected to be finalized in 2016, according to information provided by the administering Power.

B. Education

28. In Anguilla, education is free and compulsory between the ages of 5 and 17 years, benefiting some 2,700 pupils. The Department of Education provides continuing professional development for all teachers, with emphasis on supporting new teachers.

29. Anguilla Community College offers, among others, associate degrees and a postgraduate diploma. In 2014, the first students with associate degrees from the Community College graduated. In addition, as from 2013, the Community College offers vocational training courses in electrical installation, automotive repair, plumbing, refrigeration and air conditioning, enabling students to attain internationally recognized qualifications in a number of disciplines.

30. The Open Campus of the University of the West Indies offers fully accredited tertiary education on Anguilla from the certificate to the doctoral levels. In addition, according to the administering Power, a private medical school based in the United States has a campus in the Territory offering the basic sciences to its students, who are mostly from the United States.

31. Citizens from overseas territories benefit from the home student fee rate at British universities. In accordance with the decision in November 2013 by the Council of the European Union on the association of the overseas countries and territories with the European Union, the European Union provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

C. Public health

32. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. There are three health districts in the Territory, featuring four health centres, one polyclinic and one hospital, the Princess Alexandra Hospital. Cases requiring major surgery are usually evacuated to a neighbouring island.

33. The Ministry of Social Development regulates and monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions, operating within the framework of the National Health Strategic Plan 2015-2020. According to the administering Power, the 2015 budget provided for approximately EC$ 16.5 million for the Health Authority. More than EC$ 1.3 million was spent on medical treatment overseas from January to November 2015.

34. According to the administering Power, in 2015, the Ministry of Health established a chronic disease unit with the responsibility for non-communicable diseases and HIV/AIDS and sexual and reproductive health. The mandate of the unit is to lead the national response to chronic diseases, with the attendant benefits of reducing the number of vertical health programmes and pooling limited resources.

D. Crime and public safety

35. According to information provided by the administering Power, Anguilla has a low crime rate compared with other jurisdictions in the region. However, gun-related crime has affected communities in Anguilla, which resulted in some changes in the Anguilla Police Act. In addition, according to the administering Power, law enforcement added a canine unit in its fight against firearm crimes. Other initiatives taken include joint border agency training and operational activities in the fight against organized crime and gang activity, in addition to various community-based activities.

36. In the view of the administering Power, a number of organized crime groups operate in Anguilla; they have access to a wide range of sophisticated automatic weapons and are believed to be responsible for the majority of all homicides on Anguilla since 2007. In 2015, an investigation team from the United Kingdom visited Anguilla to review the handling of the most recent murder investigations.

Furthermore, according to the administering Power, challenges in the Territory include: the size of the police force and capabilities in forensic investigative techniques; the close-knit character of the community, which affects the willingness of people to come forward as witnesses to secure convictions; and the restrictions on the use of DNA and other investigative opportunities under the Constitution.

37. The Money-Laundering Reporting Authority is the central body responsible for the receipt, analysis and dissemination of information pertaining to the suspicion of proceeds derived from criminal activities and provides strategic oversight of the financial intelligence function. The Anguilla Financial Intelligence Unit, a dedicated, specialist unit within the Royal Anguilla Police Force, is delegated by the Authority to perform the day-to-day operational functions to carry out a wide variety of financial crime investigations, including money-laundering.

38. During 2015, the United Kingdom continued its funding of a law enforcement adviser based in Miami, United States, who coordinated, managed and facilitated training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore, in 2015, HMS *Severn* and RFA *Lyme Bay* were in the Caribbean as part of the Atlantic Patrol Tasking North of the Royal Navy, from January to July and from July to December, respectively, providing a United Kingdom maritime presence, humanitarian assistance and disaster relief and crisis communications in the region throughout the year. During the core hurricane season, a larger Royal Navy or Royal Fleet Auxiliary ship is on standby to provide humanitarian and disaster relief support to Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands. During their time in the Caribbean, both ships also worked with other regional navies and coast guards to combat illegal activities on the high seas.

E. Human rights

39. The Territory's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. The Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, with individuals having the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory. In March 2014, the Government of Anguilla requested the extension of the ratification by the United Kingdom of the Convention on the Elimination of All Forms of Discrimination against Women to the Territory. According to the administering Power, it is anticipated that the Convention will be extended in early 2016. In addition, as mentioned above, the first Domestic Violence Act, 2015 was passed in the Territory on 3 November 2015.

V. Environment

40. According to information provided by the administering Power, Anguilla faces a decline in marine ecosystem health and integrity, given that some 90 per cent of

near-shore hard coral has been lost in the past two decades. A 50 per cent decline in seagrass bed cover has been recorded, along with a 60 per cent decline in near-shore coral reef fish populations.

41. The Department of the Environment, the Agriculture Department, the Department of Fisheries and Marine Resources, the Department of Health Protection and the Anguilla National Trust are the principal entities dealing with environmental issues, which continued to focus in 2015 on in situ research concerning coral reefs and coastal communities to help to determine how climate change affects reefs in Anguilla.

VI. Relations with international organizations and partners

42. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Since 2011, it has maintained a formal dialogue with the International Monetary Fund.

43. Anguilla participates in the Caribbean Community as an associate member. It is a member of the Caribbean Development Bank, the Caribbean Financial Action Task Force and the Caribbean Regional Fisheries Mechanism.

44. Anguilla is an associate member of the Organization of Eastern Caribbean States and a member of the Eastern Caribbean Central Bank.

45. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the United Kingdom, the Territory has yet to establish a relationship with the European Union in the context of the European Union Economic Partnership Agreement. As at January 2014, the Territory was a partner under the above-mentioned decision of the Council of the European Union, which, according to the administering Power, was approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the Union in the wider world.

46. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

VII. Future status of the Territory

A. Position of the territorial Government

47. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of the administering Power

48. On 15 October 2015, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the seventieth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories

was a modern one based on partnership, shared values and the right of the people of each territory to choose to remain British. The Government of the United Kingdom and its territories recognized that their relationship brought mutual benefits and responsibilities.

49. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had worked closely with its territories to further develop those partnerships. His Government had consolidated the annual meeting with the leaders of territories into a Joint Ministerial Council, with a clear mandate to review and implement the strategy and commitments set forth in the paper. His Government's fundamental responsibility and objective under international law, including the Charter of the United Nations, was to ensure the security and good governance of the territories and their people.

50. At the fourth meeting of the Overseas Territories Joint Ministerial Council, held in London on 1 and 2 December 2015, the United Kingdom and overseas territory leaders agreed on a communiqué setting out, among other things, the joint position of the United Kingdom and the overseas territories on self-determination. In the communiqué, the political leaders and representatives stated that leaders of the overseas territories were democratically elected by the people of the Territories and were accountable to them and that the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed to explore ways in which the overseas territories could maintain international support in countering hostile sovereignty claims and agreed that the fundamental structure of their constitutional relationships had been the right one — powers had been devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities — while agreeing on the need to review the effectiveness of constitutional arrangements over time.

VIII. Action taken by the General Assembly

51. On 9 December 2015, the General Assembly adopted, without a vote, resolutions 70/102 A and B, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2015 (A/70/23) and the subsequent recommendation by the Fourth Committee. Section II of resolution 70/102 B concerns Anguilla. In that section, the Assembly:

(a) Welcomed the preparations made for a new constitution, and urged that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

(b) Requested the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

(c) Stressed the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, called upon the administering Power to facilitate such a mission, if the territorial Government so desired, and requested the Chair of the Special Committee to take all the necessary steps to that end;

(d) Requested the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(e) Called upon the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

(f) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean.